

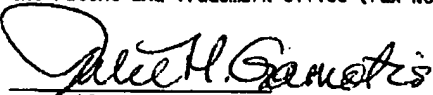
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Julie H. Gamotis

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

VIA FAX: 703-872-9306

FRAAS et al.

Serial No. 08/835,419

Art Unit: 1764

Filed: April 9, 1997

Examiner: A. Doroshenk

For: PRETREATMENT PROCESS TO REMOVE OXYGEN FROM COAL EN ROUTE TO  
A COAL PYROLYSIS PROCESS AS A MEANS OF IMPROVING THE QUALITY  
OF THE HYDROCARBON LIQUID PRODUCT

## PROTEST AND RESPONSE UNDER 37 CFR 1.312

To the Commissioner of Patents and Trademarks

Sir:

In response to the Notice of Allowance mailed May 25, 2005,  
kindly reinstate claims 1-4, 6, 9, 11-14, 16, 19, 22, and 23.

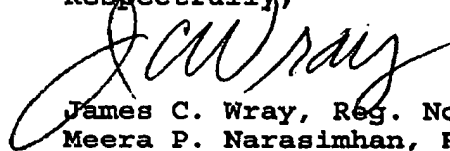
Responsive to a Decision of the Board of Patent Appeals and  
Interferences (Board) mailed May 31, 2005 and the Decision on  
Appeal mailed January 12, 2005, Applicant filed an Amendment on  
April 14, 2005, placing all the claims in condition for  
allowance. The Board reversed the Examiner's rejections of  
claims 7, 17, 8, 18, 10, 20 and 21. Applicant's Amendment placed  
those claims as well as the remaining claims in condition for  
allowance.

08/835,419

However, the Examiner has arbitrarily, and without any justification, cancelled claims 1-4, 6, 9, 11-14, 16, 19, 22, and 23. These claims were made dependent on the allowed claims. As dictated by the Federal Circuit, claims dependent on allowed claims are also allowable. See In re Fine, 5 USPQ2d 1596, 1599 (CAFC, 1988).

Since Applicant has presented a novel, unique and non-obvious invention, reinstatement and allowance of all the claims are respectfully requested.

Respectfully,



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June 9, 2005